

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: FRESENIUS GRANUFLO/)	MDL NO. 13-02428-DPW
NATURALYTE DIALYSATE)	
PRODUCTS LIABILITY LITIGATION)	
)	
)	
)	
This Order Relates To:)	
)	
ALL CASES)	

MEMORANDUM AND ORDER
December 4, 2015

I. GENERAL CAUSATION DAUBERT CHALLENGES

In order to provide the parties with timely notice regarding the disposition in this court of the general causation expert *Daubert* motions as they engage in the Bellwether pretrial preparation process, I hereby advise that for substantially the reasons stated by Judge Kirpalani in the Memoranda of Decision and Orders issued on November 16, 2015, at 1-41, and on November 24, 2015 in the parallel Massachusetts state litigation, *In re: Consolidated Fresenius Cases*, (Mass. Super. Ct, Middlesex Cty. 2013-03400-0), the parties' general causation motions will be granted in part and denied in part with the same outcome in this litigation as in the consolidated state cases. Judge Kirpalani's November 16, 2015 Memorandum of Decision is attached


hereto as Exhibit A; his November 24, 2015 Memorandum of Decision is attached hereto as Exhibit B.

While not soliciting – or even indicating hospitality to – motions for reconsideration, I hereby advise the parties that if for reasons not previously argued they seek modification of these general causation rulings in advance of the *Lastorka* trial, they may file such motions as part of the pretrial process established in *Lastorka*. Any such motions to reconsider must be filed on or before December 11, 2015 and any responses thereto to be filed by December 18, 2015, in order that such motions may be heard at the pretrial hearings in *Lastorka* set for December 21-22, 2015.

II. DAILY COPY FROM THE OGBURN TRIAL

In order to permit this court to keep abreast of the unfolding of the first Bellwether trial in the state court, *Ogburn-Sisneros v. Fresenius Medical Care Holdings*, (Mass. Super. Ct., Middlesex Cty. 2013-05050), the parties are directed to obtain from the state court reporter(s) (according to their pricing protocols) and promptly submit on an informational basis copies for this court of the daily transcript in *Ogburn*. These informational copies for this court should be emailed to Mr. Hohler at daniel_hohler@mad.uscourts.gov. The parties shall

equally share the costs for the transcripts provided to this court.



DOUGLAS P. WOODLOCK
UNITED STATES DISTRICT